

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 3625

Dauga and Quinn

Application No.: 10/069,402

Group Art Unit: 3713

Filed: December 9, 2002

Examiner: C. Saadat

Title: PROCESS AND DEVICE FOR COSMETIC TREATMENT, ESPECIALLY FOR CARE, FOR MAKE-UP OR FOR COLOURING

March 20, 2006

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT PURSUANT TO 37 C.F.R. §1.181(a)**

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This petition, filed pursuant to 37 C.F.R. §1.181(a), is in response to the "Notice of Abandonment" mailed March 7, 2006. The Notice of Abandonment indicates that U.S. Patent Application No. 10/069,402 is abandoned in view of the applicants' failure to reply to an official action dated August 22, 2005.

The applicants request, pursuant to the provisions of 37 C.F.R. §1.181(a), that the holding of abandonment of U.S. Patent Application No. 10/069,402 be withdrawn. This request is based upon the fact that the undersigned attorney/firm never received the aforementioned official action. The undersigned attorney hereby attests that the official action was not received, which is confirmed by a thorough search of the application's file jacket and the docket records relating to the application.

As evidence of non-receipt, the applicants enclose the docket record of U.S. Patent Application No. 10/069,402 as maintained by the docketing department of the undersigned's firm (see Appendix A). The attached docket record contains an event log, on page 2, that identifies (a) the date of submission of all documents submitted to the U.S. Patent and

Trademark Office for U.S. Patent Appl. No. 10/069,402, and (b) the official mailing date of all documents received from the U.S. Patent and Trademark Office for U.S. Patent Appl. No. 10/069,402. As can be seen in the sixth-to-last line of the event log, the applicants filed with the USPTO a request for change of address on May 8, 2003.¹ The fifth-to-last line indicates the undersigned attorney received a Notice of a New or Revised Projected Publication Date on February 12, 2004. In the third-to-last line, a status inquiry was filed by the undersigned attorney on March 2, 2004.² The second-to-last line indicates the status update had been received by the USPTO. The last line indicates that a Notice of Abandonment was received on March 7, 2006. If an official action dated August 22, 2005 was received, it would have been entered into the event log between the second-to-last and last entries of the attached docket log (Appendix A). The absence of this entry indicates that the undersigned's firm never received the official action dated August 22, 2005.

As further evidence of non-receipt of the official action dated August 22, 2005, the applicant note that despite an address change request filed with the USPTO on May 8, 2003 (see Appendix B for copy of request), the USPTO used the incorrect address with the official action (*i.e.*, Pillsbury Winthrop, Ninth Floor East Tower, 1100 New York Avenue N.W., Washington DC 20005-03918). **The correct address is Pillsbury Winthrop Shaw Pittman LLP, P.O. Box 10500, McLean, VA 22102.** With the change in Customer Number, the correct address in Virginia was associated with the above-identified application.

In view of the foregoing, the applicants submit that the present application is not abandoned. Therefore, the applicants request that the this petition be granted, withdrawal the holding of abandonment, and a new official action be mailed **(to the correct address)**.

The applicants submit that, although no fee is due for consideration of the present petition, should the USPTO determine that a fee is due, authorization is granted charge said fee to Deposit Account No. 03-3975 under Order No. 012237-0290736. Should the USPTO

¹ A check of the docket log indicates that this document was filed with the USPTO.

² A check of the docket log indicates that the document was filed.

have any questions or concerns regarding this petition, the undersigned may be contacted at the number indicated below.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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APPENDIX A

Country Application

Friday, March 10, 2006

Page: 1

Client-Matter: 012237-0290736

Country: US

Client: Bureau D.A. Casalonga-Josse

United States of America

Attorney 1: Hess, Adam R.

Attorney 2: Cawley, Thomas A.

Attorney 3: Townes, Jeffrey N.

Attorney 4:

Billing Attorney: Hess, Adam R.

Case Type: PCT

Resp.Office: VA

Application Status: Pending

Status Date: 26-Feb-2002

Application Number: 10/069402

Filing Date: 09-Dec-2002

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number: PCT/FR01/02021

Parent/PCT Date : 26-Jun-2001

Parent Patent Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation Number: 3625

Patent Term Adjustment: 0

Agent:

Agent Reference No.:

Tax Agent:

Tax Pay Status: PAY ON INSTR

Tax Start Date:

Event Log

Event	Event Date	Document Filed at PTO
CDC Declaration Filed Date	26-Feb-2002	<input checked="" type="checkbox"/>
CDC Fees Date	26-Feb-2002	<input type="checkbox"/>
CDC Specification Date	26-Feb-2002	<input type="checkbox"/>
completion	09-Dec-2002	<input checked="" type="checkbox"/>
Copy of application as orginally filed	09-Dec-2002	<input checked="" type="checkbox"/>
Extension Fee	09-Dec-2002	<input checked="" type="checkbox"/>
LETTER	09-Dec-2002	<input checked="" type="checkbox"/>
non-english processing fee	09-Dec-2002	<input checked="" type="checkbox"/>
Filing receipt received	03-Apr-2003	<input type="checkbox"/>
Notice of Acceptance of Application received	03-Apr-2003	<input type="checkbox"/>
Notice of New or Revised Projected Publication Date Received	17-Apr-2003	<input type="checkbox"/>
change address	08-May-2003	<input checked="" type="checkbox"/>
Notice of New or Revised Projected Publication Date Received	12-Feb-2004	<input type="checkbox"/>
Auto-Reply of Receipt of Fax Received	02-Mar-2004	<input type="checkbox"/>
STATUS INQUIRY FAXED TO PTO	02-Mar-2004	<input checked="" type="checkbox"/>
Status Update Received from USPTO	12-Mar-2004	<input type="checkbox"/>
Notice of Abandonment	07-Mar-2006	<input type="checkbox"/>

User ID: stewart_lm**Date Created:** 09-Mar-2002**Last Update:** 09-Mar-2006

APPENDIX B

RECEIPT FROM PTO FOR INDICATED ITEMS

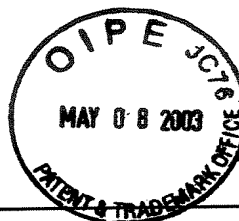
(Do NOT Use for New or Continuing Applications of Any Kind)
 Use 2 postcards for all New Applns. (cont/Div/CIP, too)
 Use this sheet when filing CPA

Appln. No: 10/069,402	Atty: Thomas A. Cawley, Jr./Mattingly
First Inventor: DAUGA	Date: May 8, 2003
	Matter No: 290736
	Client No: 12237

ENCLOSED:

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
☐ Completion Request for R 53(f)/PCT Nat.

- # No. of Pages Abstract
 # No. of Pages Spec and Claims
 # No. of Numbered Claims Only
 # No. of Sheets of Drawings (Figs



- ☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter

- ☐ Declaration ☐ # of pages
☐ Assignment ☐ Cover Sheet
☐ Small Entity Declaration
☐ Extension Petition (PAT-111)
 # ☐ No. of Priority Documents
☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA
☐ PTO-1449 ☐ Cited Documents
☐ Issue Fee Transmittal Form PTOL-85(b) in duplicate

\$ Amount Requested be Charged to our Dep. Acct. No. 03-3975

OTHER:

Change of Address Notice

Current DUE DATE:

(Submit Single Copy Only)

